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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,596	11/21/2003	Ayae Endo	117625	8683
25944	7590	11/14/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER GARRETT, DAWN L	
			ART UNIT 1774	PAPER NUMBER

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,596	Applicant(s) ENDO ET AL.	
	Examiner Dawn Garrett	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,18,19,21,27-29,34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,18,19,21,27-29,34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment filed August 25, 2006. Claims 1, 3-5, 7, 18, 19, 21, 27, and 29 have been amended. Claims 2, 11-17, 20, 22-26, 30-33, 35, and 36 are cancelled. Claims 1, 3-10, 18, 19, 21, 27-29, 34, 37, and 38 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The rejection of claims 1-10, 18-21, 27-29, 34, 37, and 38 under 35 U.S.C. 112, first paragraph, set forth in the last Office action (mailed May 26, 2006) is withdrawn due to the amendment.
4. The rejection of claims 1-10, 27-29, 34, and 38 under 35 U.S.C. 112, second paragraph, set forth in the last Office action (mailed May 26, 2006) is withdrawn due to the amendment.
5. The rejection of claim 2 under 35 U.S.C. 102(b) as being anticipated by Cantor (US 6,080,450) is withdrawn due to the cancellation of claim 2.
6. The rejection of claims 2 and 20 under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,372,154) is withdrawn due to the amendment.
7. Claims 1, 4, 5, 8, 9, and 10 are again rejected under 35 U.S.C. 102(b) as being anticipated by Cantor (US 6,080,450). Cantor discloses a composition comprising 0.1 % Irganox MD 1024, which is the same metal deactivator set forth in the present specification and inherently has the same properties as the material disclosed by applicant (see Cantor, col. 5, "Formulation A"). The formulation comprises organic compounds per the organic functional material of claim 2. An oligomer and acrylate are disclosed per the macromolecule of claim 4. Since claim 5 is

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drawn to a composition not an electroluminescent element, the organic compounds of the composition meet the claim limitation.

8. Claims 1, 3-10, 18, 19, 21, 27-29, 34, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,372,154). Li discloses a luminescent ink composition comprising a luminescent organic compound ("solute"), an inert solvent ("solvent") and a functional additive ("metal deactivator") with regard to claim 1 (see claim 1, col. 15) that are used to form an electroluminescent device (see abstract). The organic luminescent molecule may be a macromolecule such as distyrylbenzene (see claim 3, col. 15) with regard to claim 4. Li discloses the functional additive ("metal deactivator") may comprise triazoles (see claim 9, col. 15). Triazoles are disclosed by applicant in par. 11 of the present specification as metal deactivators. Since Li discloses the same material, triazoles, as applicant, the materials are considered to have the same transparency and color properties as those claimed by applicant with regard to claims 8 and 9. Similarly, since the materials disclosed by Li are the same as those specified by applicant, the solubility properties of claim 10 are also deemed to be met in the disclosure by Li. With regard to claim 29, the devices comprise multiple layers (see col. 12, lines 62-67). Li teaches the functional additives (such as the triazoles) are added in an amount of 0.5-40 weight percent (see col. 2, lines 44-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any triazole derivative, including those specifically mentioned in the present specification in the amount of 0.5-40 weight percent, because Li generally teaches triazoles are suitable as a functional additive for the device.

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With regard to claim 7, Li teaches the organic luminescent polymer may include poly(vinyl carbazole) (PVK) (see claim 6, col. 15). Li further teaches poly(vinyl carbazole) provides assistance with hole injection (see col. 8, lines 67 to col. 9, line 2).

Response to Arguments

9. Applicant's arguments filed August 25, 2006 have been fully considered but they are not persuasive.

The arguments with regard to the prior 35 USC 112, first and second paragraph, rejections are now moot due to the withdrawal of those rejections in this Office action.

Applicant argues with regard to Cantor that "based on the disclosure of Cantor, one skilled in the art would not make the assumption that the concentration as taught by Cantor, is comparable to that recited in the pending claims." The examiner submits that the amount of Irganox MD 1024 hydrazide stabilizer in the Formulation A disclosed by Cantor at col. 5 when compared to other ingredients which read upon the solute is within the percent by weight relative to an organic material requirement of claim 1. For example, in Formulation A, Irganox MD 1024 is used in the total composition in an amount of 0.1% by weight and the oligomer is used in an amount of 45 % of the total amount by weight. Accordingly, 0.22% of Irganox MD 1024 is incorporated in terms of amount of oligomer. The amount is similar if acrylate is considered to be the organic functional material (see Formulation A, col. 5). With regard to applicant's argument that a solubility parameter changes based upon the solvent utilized. Applicant has not conclusively shown that the solubility of the Irganox MD 1024 in the Cantor formulation is outside the required solubility parameter range. Per M.P.E.P. § 2145, the arguments of counsel cannot take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145

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USPQ 716, 718 (CCPA 1965); *In re Geiseler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997).

Furthermore, recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Applicant appears to further argue that the Irganox MD 1024 may not be the same as that used by applicant. Applicant has not submitted clear evidence that the Irganox MD 1024 is different from the preferred material taught by applicant in the present specification. Irganox MD 1024 is a hydrazide compound as required by applicant. One of ordinary skill would recognize that Irganox MD 1024 is a material meeting the requirement of a hydrazide compound set forth in the claims.

With regard to the rejection over Li, applicant argues “one skilled in the art would not make the assumption that the concentrations as taught by Li, were comparable to those as recited in the subject matter of the pending claims”. The examiner respectfully submits the amount of functional additive (“metal deactivator”), which includes triazoles taught by Li is in terms of the solid materials in the ink composition (see col. 2, lines 44-62), which would include the solute/organic functional material as required by applicant. The taught amount of 0.5-40 weight percent clearly encompassed the range claimed by applicant. Applicant further argues the functional additives are utilized in lowering the viscosity and are not identified as metal deactivators. The examiner submits that the triazoles are preferred deactivators identified by applicant and the triazoles disclosed by Li are considered to inherently have the same properties,

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i.e. metal deactivation. Li clearly discloses the same material in their compositions as required by applicant. Again, recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Dawn Garrett", with a stylized flourish extending from the end.

Dawn Garrett
Primary Examiner
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November 9, 2006